



DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **PHENYL-AZA-BENZIMIDAZOLE COMPOUNDS FOR MODULATING IgE AND INHIBITING CELLULAR PROLIFERATION**; the specification of which was filed on **September 12, 2003** as Application Serial No. **10/661,296**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: **60/410,761**

Filing Date: **September 12, 2002**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements, may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Jagadish C. Sircar**

Inventor's signature Jagadish C. Sircar

Date 11/14/03

Residence: **4832 Riding Ridge Road, San Diego, CA 92130**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of second inventor: **Richard J. Thomas**

Inventor's signature Richard J. Thomas

Date 11/17/03

Residence: **12627 Sarsaparilla St., San Diego, CA 92129**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of third inventor: **Mark L. Richards**

Inventor's signature Mark L. Richards

Date November 19, 2003

Residence: **8532 B Via Mallorca, La Jolla, CA 92037**

Citizenship: **USA**

Post Office Address: **Same as Above**

Full name of fourth inventor: **Anjana Sinha**

Inventor's signature Anjana Sinha

Date 11/14/03

Residence: **13459 Tiverton Road, San Diego, CA 92130**

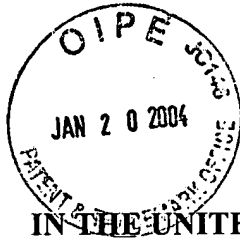
Citizenship: **USA**

Post Office Address: **Same as Above**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

AVANIR.112A

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jagadish C. Sircar, et al.)
)
 App. No. : 10/661,296)
)
 Filed : September 12, 2003)
)
 For : **PHENYL-AZA-BENZIMIDAZOLE**)
COMPOUNDS FOR MODULATING IgE)
AND INHIBITING CELLULAR)
PROLIFERATION)
)
 Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventors to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040

App. No. : 10/661,296
Filed : September 12, 2003

Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

AVANIR PHARMACEUTICALS

Dated: 11/24/03

By: Jagadish C. Sircar
Jagadish C. Sircar, Ph.D.

Title: Vice President Drug Discovery

Address: 11388 Sorrento Valley Road, Suite 200
San Diego, CA 92121

CCT-5330.DOC:cb 112103

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 17 day of November, 2003.

Richard J. Thomas
Richard J. Thomas

STATE OF California }
COUNTY OF San Diego } ss.

On November 17, 2003, before me, Jennifer Y. Kimb, Notary Public, personally appeared **Richard J. Thomas** personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimb
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of November, 2003.

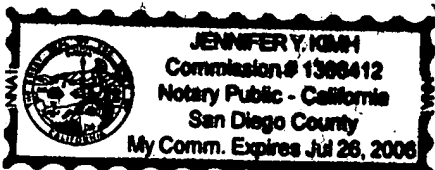
Mark L. Richards
Mark L. Richards

STATE OF California }
COUNTY OF San Diego } ss.

On November 19, 2003, before me, Jennifer Y. Kimb, Notary Public, personally appeared **Mark L. Richards** personally known to me (or ~~proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimb
Notary Signature

COPY

COPY

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14th day of NOV., 2003.

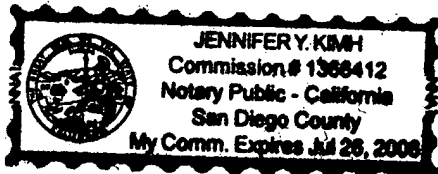
Anjana Sinha
Anjana Sinha

STATE OF California }
COUNTY OF San Diego } ss.

On November 14, 2003, before me, Jennifer Y. Kimh, Notary Public, personally appeared Anjana Sinha personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Jennifer Y. Kimh
Notary Signature

COPY